

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES JEROME ROYSTER,

Plaintiff,

v.

GARY MOHR, *et al.*

Defendants.

Case No. 2:11-cv-1163

Judge Peter C. Economus

ORDER

This matter is before the Court for consideration of the July 26, 2013 Report and Recommendation of the Magistrate Judge. (Dkt. 36.) Because Plaintiff has failed to serve the remaining defendant, the Magistrate Judge recommended that the Court dismiss this action pursuant to Civil Rule 4(m).

The Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a “waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation.” (Dkt. 36 at 2.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of the Magistrate Judge pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, Plaintiff’s action is **DISMISSED WITHOUT PREJUDICE** against Defendant Williams. Defendant’s Motion to Dismiss for Lack of Prosecution is denied as moot. (Dkt. 35.) The Clerk is **DIRECTED** to remove this action from the Court’s pending case list.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE